

ORDINANCE NO. 96 - 3

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE ENTITLED "THE PALM BEACH COUNTY WASTEWATER FACILITIES USE ORDINANCE"; REPEALING ORDINANCE NO. 78-10; PROVIDING FOR AUTHORITY; PROVIDING FOR APPLICABILITY; SETTING FORTH PURPOSE AND OBJECTIVES; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE USE OF PALM BEACH COUNTY WATER UTILITIES DEPARTMENT WASTEWATER FACILITIES; PROVIDING FOR APPLICATION, CONSTRUCTION AND CONNECTION TO PALM BEACH COUNTY WATER UTILITIES DEPARTMENT WASTEWATER FACILITIES; PROVIDING FOR PROTECTION FROM DAMAGE; PROVIDING FOR PROHIBITIONS AND LIMITATIONS OF DISCHARGE; PROVIDING FOR INDUSTRIAL PRETREATMENT AND MONITORING; PROVIDING FOR INDUSTRIAL WASTEWATER DISCHARGE PERMIT; PROVIDING FOR COMPLIANCE; PROVIDING FOR ACCIDENTAL DISCHARGE; PROVIDING FOR NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTES; PROVIDING FOR GREASETRAPS, INTERCEPTORS, AND OIL/WATER SEPARATORS; PROVIDING FOR INDUSTRIAL PRETREATMENT INSPECTION; PROVIDING FOR ENFORCEMENT ACTION; PROVIDING FOR JUDICIAL ENFORCEMENT; PROVIDING FOR APPROPRIATION AND BUDGETING OF FUNDS; PROVIDING FOR PUBLICATION OF SIGNIFICANT VIOLATORS; PROVIDING FOR CONFIDENTIALITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, through the Palm Beach County Water Utilities Department, owns, operates and controls a wastewater collection, transmission, treatment, and disposal system whereby industrial wastewater surcharges are assessed and pretreatment of wastewater is required and regulated; and

WHEREAS, the United States Environmental Protection Agency has directed local governments operating publicly owned treatment works to develop pretreatment programs to regulate industrial discharges into their systems; and

WHEREAS, Palm Beach County Ordinance Number 78-10 provides for the regulation of usage of the Palm Beach County Water Utilities Department wastewater system but does not include the comprehensive pretreatment program as required by the State of Florida Department of Environmental Protection and the United States Environmental Protection Agency; and

WHEREAS, in an effort to comply with regulations issued by the State of Florida Department of Environmental Protection and the United States Environmental Protection Agency relating to



wastewater pretreatment and to better serve the citizens and environment of Palm Beach County, the Board of County Commissioners of Palm Beach County, Florida desires to repeal Ordinance Number 78-10 and replace same with a more comprehensive ordinance detailing an industrial pretreatment program and regulating the usage of the Palm Beach County Water Utilities Department wastewater system; and

**WHEREAS**, Section 125.01(1), Florida Statutes, empowers Palm Beach County to adopt ordinances necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County deems this Ordinance to be necessary for the health, safety and welfare of the citizens of Palm Beach County and for the protection of the environment.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA THAT:**

**Section 1. Repeal of Prior Ordinance**

Palm Beach County Ordinance No. 78-10 is hereby repealed in its entirety.

**Section 2. Short Title**

This Ordinance shall be known as the "Palm Beach County Wastewater Facilities Use Ordinance".

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1 Florida, in Chapter 125, Florida Statutes, and the Federal Water  
2 Pollution Control Act, also known as the Clean Water Act, 33 USC  
3 1251.

#### 4 **Section 5. Applicability**

5 This Ordinance shall be applicable to all users of the Palm  
6 Beach County Water Utilities Department Wastewater System  
7 ("PBCWUDWWS") and shall be liberally construed to effectuate the  
8 purposes set forth herein.

#### 9 **Section 6. Purpose**

10 The purpose of this Ordinance is to set forth uniform  
11 requirements for users of the PBCWUDWWS. This Ordinance will  
12 enable the County to comply with all applicable state and federal  
13 laws, including the State of Florida Department of Environmental  
14 Protection's pretreatment requirements (Rule 62-625, F.A.C.), the  
15 Clean Water Act, General Pretreatment Regulations (40 CFR, Part  
16 403), and other federal, state and county laws, rules and  
17 regulations as they pertain to the pretreatment of wastewater.

#### 18 **Section 7. Objectives**

19 The objectives of this Ordinance are to:

20 (1) Prevent the introduction of pollutants into the  
21 PBCWUDWWS which will interfere with the operation of the system  
22 and/or contaminate the resulting sludge;

23 (2) Prevent the introduction of pollutants into the  
24 PBCWUDWWS, which, if inadequately treated, will pass through the  
25 system into receiving waters or the atmosphere, or which may  
26 otherwise be incompatible with the system;

27 (3) Improve the opportunity for recycling and other  
28 beneficial uses of wastewater and sludge within the PBCWUDWWS;

29 (4) Provide uniform requirements for industrial and  
30 other wastewater discharge into the PBCWUDWWS;

31 (5) Protect the wastewater treatment plant operators,  
32 transmission system workers, collection and wastewater treatment  
33 facilities, the public, and the environment from harmful pollutants  
34 in the wastewater system;

35 (6) Ensure compliance with the PBCWUDWWS operating



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#### Section 4. Authority

The provisions of this Ordinance are based upon the authority granted to the Board of County Commissioners of Palm Beach County,



1 Utilities Department or his duly authorized representative.

2 (s) Discharge - to dispose, deposit, place, emit, unload,  
3 release, or cause or allow to be disposed of, deposited, placed,  
4 emitted, unloaded, or released.

5 (t) Domestic or Residential Waste - any superfluous solid,  
6 liquid, or gaseous material derived principally from the use of  
7 sanitary conveniences of residences (including apartments);  
8 wastewater produced from a non-commercial or a non-industrial  
9 source.

10 (u) Environmental Protection Agency ("EPA") - The United  
11 States Environmental Protection Agency.

12 (v) Enforcement - actions taken by PBCWUD in response to non-  
13 compliance with or violations of this Ordinance.

14 (w) Holding Tank Waste - waste from holding tanks including,  
15 but not limited to vessels, chemical toilets, campers, trailers,  
16 septic tanks, and vacuum-pump tank trucks.

17 (x) Indirect Discharge - the introduction of pollutants into  
18 the PBCWUDWWS from any non-domestic source regulated under sections  
19 307 (b), (c), and (d) of the Act.

20 (y) Industrial User - any non-residential user discharging  
21 industrial wastewater into the PBCWUDWWS.

22 (z) Industrial Wastewater Surcharge - an additional service  
23 charge assessed against Industrial Users of the PBCWUDWWS whose  
24 wastewater characteristics exceed established surcharge limits.

25 (aa) Industrial Wastewater - wastewater from industrial  
26 operations, trade or business activities as distinct from domestic  
27 wastewater.

28 (bb) Industrial Wastewater Discharge Permit ("Permit") -  
29 written authorization from the Director of the PBCWUD to discharge  
30 industrial wastewater into the PBCWUDWWS setting certain conditions  
31 and/or restrictions on such discharge.

32 (cc) Interceptors (grease traps, oil/water separators) - any  
33 device, including but not limited to grease traps and oil/water  
34 separators, designed and installed to separate and retain  
35 floatable, deleterious, hazardous, and/or undesirable matter from



1 wastewater or liquid wastes, and which discharges into the  
2 PBCWUDWWS by gravity.

3 (dd) Interference - a discharge which, alone or in  
4 conjunction with a discharge or discharges from other sources,  
5 both:

6 (1) inhibits or disrupts the PBCWUDWWS, its treatment  
7 processes or operations, or its sludge processes, use or disposal;  
8 and

9 (2) is a cause of a violation of any requirement of the  
10 PBCWUDWWS's NPDES permit (including an increase in the magnitude or  
11 duration of a violation) or prevents use or disposal of domestic  
12 wastewater residuals in compliance with local regulations or rules  
13 of DEP and Chapter, 403, Florida Statutes.

14 (ee) Medical Wastes - wastes including, but not limited to,  
15 isolation wastes, infectious wastes, infectious agents, human blood  
16 and blood byproducts, pathological wastes, sharps, body parts,  
17 formaldehyde, etiologic agents, contaminated bedding, surgical  
18 wastes, potentially contaminated laboratory wastes, and dialysis  
19 wastes.

20 (ff) Minor User - user whose discharge may not significantly  
21 impact the PBCWUDWWS, degrade receiving water quality and/or  
22 contaminate sludge. Although a minor user is not a categorical  
23 industry, it has a potential to discharge a non-domestic or process  
24 wastestream as further described in PBCWUD UPAP, as amended from  
25 time to time.

26 (gg) National Pollutant Discharge Elimination System  
27 ("NPDES") Permit - a permit issued pursuant to Section 402 of the  
28 Act (33 U.S.C. 1342).

29 (hh) New Source - means:

30 (1) Any building, structure, facility or installation  
31 from which there is or may be a discharge, the construction of  
32 which commenced after the publication of proposed pretreatment  
33 standards under Section 307(c) of the Clean Water Act which will be  
34 applicable to such source if such standards are thereafter  
35 promulgated in accordance with that section, provided that



1           a.       The building, structure, facility or  
2 installation is constructed at a site at which no other source is  
3 located,

4           b.       The building, structure, facility or  
5 installation totally replaces the process or production equipment  
6 that causes the discharge of pollutants at an existing source, or

7           c.       The production or wastewater generating  
8 processes of the building, structure, facility or installation are  
9 substantially independent of an existing source at the same site.  
10 In determining whether these are substantially independent, factors  
11 such as the extent to which the new facility is integrated with the  
12 existing plant, and the extent to which the new facility is engaged  
13 in the same general type of activity as the existing source shall  
14 be considered;

15           (2) Construction on a site at which an existing source  
16 is located results in a modification rather than a new source if  
17 the construction does not create a new building, structure,  
18 facility or installation meeting the criteria of (1)b. or (1)c.  
19 above but otherwise alters, replaces, or adds to existing process  
20 or production equipment; or

21           (3) Construction of a new source, as defined herein, has  
22 commenced if the owner or operator has

23           a.       Begun, or caused to begin as part of a  
24 continuous on-site construction program

25                   1. Any placement, assembly, or installation of  
26 facilities or equipment, or

27                   2. Significant site preparation work including  
28 clearing, excavation, or removal of existing buildings, structures,  
29 or facilities which is necessary for the placement, assembly, or  
30 installation of new source facilities or equipment, or

31           b.       Entered into a binding contractual obligation  
32 for the purchase of facilities or equipment which are intended to  
33 be used in its operation within a reasonable time. Options to  
34 purchase or contracts which can be terminated or modified without  
35 substantial loss, and contracts for feasibility, engineering, and



1 design studies do not constitute a contractual obligation under  
2 this rule.

3 (ii) Other waste - waste including, but not limited to,  
4 county refuse, decayed wood, sawdust, shavings, bark, lime, sand,  
5 ashes, offal, oil, tar, chemicals, and all other substances as  
6 distinguished from domestic waste, industrial wastewater, holding  
7 tank waste or medical waste.

8 (jj) Palm Beach County Water Utilities Department Wastewater  
9 System ("PBCWUDWWS") - all facilities for collecting, pumping,  
10 treating, and/or disposing of wastewater and wastewater sludge  
11 which are owned, operated and controlled by the Board of County  
12 Commissioners of Palm Beach County, Florida.

13 (kk) Pass-through - a discharge which exits the PBCWUDWWS  
14 treatment process into waters of the State or of the United States  
15 in quantities or concentrations which, alone or in conjunction with  
16 a discharge or discharges from other sources, is a cause of a  
17 violation of any requirement of the PBCWUDWWS's NPDES permit  
18 (including an increase in the magnitude or duration of a  
19 violation).

20 (ll) Person - any individual, user, firm, company,  
21 corporation, joint venture, partnership, sole proprietorship,  
22 association, or any other business entity, any State or political  
23 subdivision thereof, any municipality, any interstate body and any  
24 department, agency, or instrumentality of the United States and any  
25 officer, agent, or employee thereof, and any organized group of  
26 persons whether incorporated or not.

27 (mm) pH - the logarithm of the reciprocal of the hydrogen ion  
28 concentration. The concentration is the weight of hydrogen ions,  
29 in grams, per liter of solution.

30 (nn) Pollutant - any dredged spoil, solid waste, incinerator  
31 residue, wastewater, garbage, wastewater sludge, munitions,  
32 chemical wastes, biological materials, radioactive materials, heat,  
33 wrecked or discharged equipment, rock, sand, cellar dirt or  
34 industrial, municipal, or agricultural waste discharged into water.

35 (oo) Pretreatment - reduction of the amount of pollutants,



1 the elimination of pollutants, or the alteration of the nature of  
2 pollutant properties in wastewater prior to or in lieu of  
3 discharging or otherwise introducing such pollutants into the  
4 PBCWUDWWS. The reduction or alteration may be obtained by  
5 physical, chemical or biological processes, process changes or by  
6 other means, except as prohibited by Rule 62-625.410(5), F.A.C.

7 (pp) Pretreatment Standards - PBCWUD's prohibitive discharge  
8 standards as set forth in this Ordinance, the State of Florida's  
9 pretreatment standards, or the Categorical Pretreatment Standards  
10 of the EPA.

11 (qq) Priority Pollutants - any toxic pollutant regulated  
12 under Categorical Pretreatment Standards.

13 (rr) Residential Unit - single family occupancy or dwelling  
14 including, but not limited to, a single-family house, one-half of  
15 a duplex, an apartment, or a mobile home.

16 (ss) RCRA - Resource Conservation and Recovery Act.

17 (tt) Significant Industrial User -

18 (1) any user subject to Categorical Pretreatment  
19 Standards under Rule 62-625.410, F.A.C. and 40 CFR Chapter I,  
20 Subchapter N which has been adopted by reference in Chapter 62-660,  
21 F.A.C.; and/or

22 (2) any non-categorical user that discharges 25,000  
23 gallons per day or more of process wastewater into the PBCWUDWWS  
24 (excluding domestic wastewater, noncontact cooling and boiler  
25 blowdown wastewater), or that contributes a process wastestream  
26 which makes up five (5) percent or more of the average dry weather  
27 hydraulic or organic capacity of the treatment plant, or is  
28 designated as such by PBCWUD on the basis that the industrial user  
29 has a reasonable potential for adversely affecting the treatment  
30 plant operation or for violating any pretreatment standard or  
31 requirement (in accordance with Rule 62-625.500(2))e), F.A.C.;  
32 and/or

33 (3) Upon finding that an industrial user meeting the  
34 criteria in sub-paragraph (b) above, has no reasonable potential  
35 for adversely affecting the PBCWUDWWS operation or for violating



1 any pretreatment standard or requirement, the PBCWUD may at any  
2 time, on its own initiative or in response to a request received  
3 from an industrial user, and in accordance with Rule 62-  
4 625.500(2)(e), F.A.C., determine that such industrial user is not  
5 a Significant Industrial User.

6 (uu) Significant Non-compliance - Significant non-compliance  
7 may include one or all of the following:

8 (1) Violations of wastewater discharge limits:

9 (a) Chronic violations. Sixty-six (66%) percent or  
10 more of the measurements exceed the same daily maximum limit or the  
11 same average limit in a six (6) month period (any magnitude of  
12 exceedence).

13 (b) Technical Review Criteria ("TRC") violations.  
14 Thirty-three (33%) percent or more of all of the measurements for  
15 each pollutant parameter taken during a six-month period equal or  
16 exceeding the product of the daily maximum limit or the average  
17 limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS,  
18 fats, oil, and grease, and 1.2 for all other pollutants except pH.)

19 (c) Any other violation(s) of an effluent limit  
20 (average or daily maximum) that the Director believes has caused,  
21 alone or in combination with other discharges, interference or  
22 pass-through, or endangered the health, safety or welfare of the  
23 PBCWUDWWS personnel or the public.

24 (d) Any discharge of pollutant that has caused  
25 imminent endangerment to human health, safety or welfare or to the  
26 environment and has resulted in PBCWUD exercising its emergency  
27 authority to halt or prevent such a discharge.

28 (2) Violations of compliance schedule milestones  
29 contained in a permit or enforcement order for starting  
30 construction, completing construction, and attaining final  
31 compliance by ninety (90) days or more after the compliance  
32 schedule date.

33 (3) Failure to provide reports for compliance schedules,  
34 self-monitoring data, or categorical standards (baseline  
35 monitoring reports, ninety (90) day compliance reports, and



periodic reports) within thirty (30) days from the date due.

(4) Failure to accurately report non-compliance.

(5) Any other non-compliance that the Director considers to be significant.

(vv) Sludge - any solid or semisolid waste generated from a county, municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

(ww) Slug load - any discharge of water, wastewater, or industrial wastewater in which concentration of any given constituent or if quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

(xx) Standard Industrial Classification ("SIC") Code - a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(yy) Storm Water Sewer - a pipe or conduit intended to carry storm and surface water, street wash, and other waters or drainage excluding wastes carried by wastewater collection systems.

(zz) Suspended Solids - tiny particles of solids disbursed but undissolved in a solid, liquid, or gas, which are removable by laboratory filtration.

(aaa) Toxic Pollutant - any pollutant or combination of pollutants listed as toxic under the provisions of the Act.

(bbb) Uniform Policies and Procedures ("UPAP") Manual - the codification of the major policies and procedures governing the PBCWUD.

(ccc) Upset - an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user.

(ddd) User - any person who discharges, or causes or allows the discharge of wastewater into the PBCWUDWWS.



1 (eee) Wastewater - liquid and water-carried industrial,  
2 domestic, medical, food, superfluous solid, gaseous material,  
3 holding tank or other wastes from residences, commercial  
4 establishments and/or manufacturing facilities, whether treated or  
5 untreated, which are discharged into the PBCWUDWWS.

6 (fff) Wastewater Collection System - system for carrying  
7 waste including but not limited to, domestic, industrial, medical,  
8 holding tank or other waste, to which storm, surface, and  
9 groundwater are not intentionally admitted.

10 (ggg) Wastewater Discharge Permit - a written authorization  
11 from the Director of PBCWUD which states the conditions,  
12 parameters, and/or circumstances whereby a user may discharge into  
13 the PBCWUDWWS.

14 (hhh) Wastewater Facilities or Wastewater System - the  
15 structures, equipment, and processes required to collect, carry  
16 away, and treat domestic, industrial, medical, holding tank and  
17 other wastes and dispose of the effluent.

18 **Section 9. Use of Palm Beach County Water Utilities Department**  
19 **Wastewater System**

20 (a) Unsanitary disposal prohibited. It shall be unlawful for  
21 any person to discharge or allow to be discharged untreated  
22 wastewater on any property, public or private, into the PBCWUDWWS  
23 in any unsanitary manner.

24 (b) Septic tanks regulated. Except as provided by federal,  
25 state or local laws, rules, and/or regulations it shall be unlawful  
26 to construct or maintain any privy, privy vault, septic tank,  
27 cesspool, or other facility used for or intended to be used for the  
28 treatment or disposal of wastewater.

29 (c) Wastewater collection system connection required. Palm  
30 Beach County Environmental Control Rule I, as amended from time to  
31 time, may require the owner or occupant of any house, building or  
32 property used for human occupancy, employment, recreation, or other  
33 purposes situated within the service area of the PBCWUDWWS and  
34 abutting on any street, alley, easement, or right-of-way in which



1 there is located an available wastewater collection system to  
2 install, at his expense, suitable toilet facilities therein and to  
3 connect such facilities directly with the available wastewater  
4 collection system. If the existing disposal system is required to  
5 be abandoned, same shall be done in accordance with Palm Beach  
6 County Environmental Control Rule I, as amended from time to time.

7 (d) Discharge into stormwater system prohibited. No person  
8 shall, under any conditions or circumstances, discharge domestic,  
9 industrial, medical, holding tank or other wastewater into the  
10 stormwater system.

11 **Section 10. Application, Construction and Connection to the Palm**  
12 **Beach County Water Utilities Department Wastewater**  
13 **System**

14 (a) Unauthorized usage prohibited. No person shall construct  
15 a new wastewater collection system that is to be connected to the  
16 PBCWUDWWS or one that will substantially alter or improve any  
17 wastewater collection system that is connected to the PBCWUDWWS,  
18 until the PBCWUD has approved said construction and has determined  
19 same to be in conformance with PBCWUD specifications and long range  
20 plans as determined by the Board of County Commissioners of Palm  
21 Beach County, Florida.

22 No person shall disturb, uncover, use, alter, or make any  
23 connection or openings to the PBCWUDWWS, unless prior written  
24 approval has been given by the Director and a duly authorized agent  
25 of the PBCWUD is present at the time of said approved action.

26 (b) Application and fees. Prior to making any connection to  
27 the PBCWUDWWS, all persons shall make application to the PBCWUD in  
28 accordance with the provisions as set forth in the PBCWUD UPAP, as  
29 amended from time to time. Said application shall be supplemented  
30 by any plans, specifications or other information deemed necessary  
31 by the Director. All applicable fees shall be paid to the PBCWUD  
32 prior to the approval of any such connection.

33 (c) User's responsibility. All costs and expenses incident  
34 to the installation, connection and restoration of a building



1 wastewater service line to the PBCWUDWWS shall be borne by the User  
2 in accordance with the PBCWUD UPAP, as amended from time to time.  
3 The User shall indemnify the PBCWUD from any loss or damage, either  
4 directly or indirectly, that has been incurred by PBCWUD due to the  
5 installation of the building wastewater service line.

6 (d) Separate wastewater service line required. The User  
7 shall provide a separate and independent building wastewater  
8 service line for each and every building. However, in the instance  
9 where one building is located at the rear of another building on an  
10 interior lot to which no private wastewater service line is  
11 available or where no private wastewater service line can be  
12 constructed to the rear building, then upon written consent of the  
13 Director, the User may extend the wastewater service line through  
14 an adjoining alley, courtyard, driveway or from the front building  
15 to the rear building and the whole shall be considered as one  
16 building wastewater service line.

17 (e) Use of existing building wastewater service line. An  
18 existing building wastewater service line may be used in connection  
19 with construction of a new building only when found, on examination  
20 and test by the PBCWUD, to meet all requirements of this Ordinance  
21 and the PBCWUD UPAP, as amended from time to time.

22 (f) Design and construction. Each and every building  
23 wastewater service line shall be installed at an elevation below  
24 the building slab in accordance with the provisions a set forth in  
25 the PBCWUD UPAP, as amended from time to time. In all buildings in  
26 which any building drain is too low to permit gravity flow to the  
27 wastewater service line, wastewater carried by such building drain  
28 shall be lifted by an approved means as specified by PBCWUD and  
29 shall be discharged into the building wastewater service line.

30 (g) Runoff connections prohibited. No person shall connect  
31 or cause to connect any roof downspout, exterior foundation drain,  
32 areaway drain, or other source of surface runoff or groundwater to  
33 a building wastewater service line or building drain which in turn  
34 is connected directly or indirectly to the PBCWUDWWS.

35 (h) Connection conformance required. The connection of each



1 and every building wastewater service line to the PBCWUDWWS shall  
2 conform to the requirements of the county's building and plumbing  
3 code and all other applicable rules and regulations as adopted by  
4 the Board of County Commissioners of Palm Beach County, Florida.  
5 All such connections shall be made both gastight and watertight.

6 (i) Public safety and property. All excavations for building  
7 wastewater service line installation shall be adequately guarded  
8 with barricades and lights for the protection of the public health,  
9 safety and welfare. Streets, sidewalks, parkways, and other public  
10 property disturbed in the course of the excavation shall be  
11 restored in a manner satisfactory to the PBCWUD.

#### 12 **Section 11. Protection From Damage**

13 (a) No person shall maliciously, willfully or negligently  
14 break, damage, destroy, uncover, deface or tamper with any  
15 structure, appurtenance or equipment which is part of the  
16 PBCWUDWWS. Cost to repair any damage to the PBCWUDWWS by any such  
17 acts and/or costs associated with additional treatment or  
18 alternative disposal methods required to meet effluent or sludge  
19 treatment and disposal requirements resulting from said action,  
20 shall be assessed to the person(s) responsible.

21 (b) No person shall discharge directly into a manhole or  
22 other opening of the PBCWUDWWS without the prior written approval  
23 of the Director.

24 (c) No unauthorized person shall leave open an unprotected  
25 wastewater system manhole.

#### 26 **Section 12. Prohibitions and Limitations of Discharge**

27 No person shall discharge or cause to be discharged any  
28 wastewater into the PBCWUDWWS unless in accordance with the  
29 specifications and standards of this Ordinance and those provided  
30 in the PBCWUD UPAP, as amended from time to time.

31 (a) General discharge prohibitions. No user shall discharge  
32 or cause to be discharged into the PBCWUDWWS:

33 (1) any waste which may result in pass-through or  
34 interference as defined herein;

35 (2) any wastewater containing more than six-hundred



(600) parts per million (ppm), (600 mg/L by weight) of chlorides;

(3) any liquid or vapor having a temperature higher than one-hundred fifty (150) degrees Fahrenheit (65.5 degrees Celsius), or which inhibits biological activity in the PBCWUDWWS, resulting in interference; but in no event shall the wastewater cause the temperature of the discharge from the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius);

(4) any wastewater having a pH lower than five point five (5.5), exhibiting any corrosive property, which either singly or by interaction with other wastes is capable of causing damage to structures, equipment, surrounding environment, processes, or personnel of the PBCWUD;

(5) any wastewater having a pH higher than nine point five (9.5), which either singly or by interaction with other wastes is capable of causing damage to structures, equipment, surrounding environment, processes, or personnel of PBCWUD;

(6) any wastewater containing grease and/or oil or which exceeds one-hundred (100) parts per million (ppm), or substances that may solidify or become viscous at a temperature between thirty-two (32) degrees Fahrenheit, and one-hundred and fifty (150) degrees Fahrenheit (0 degrees Celsius and 65.5 degrees Celsius). Interceptors shall be required to properly handle these wastes in accordance with this Ordinance and as provided in the PBCWUD UPAP, as amended from time to time;

(7) any wastewater which will cause obstruction to the flow in a sewer or interfere with the operations of the PBCWUDWWS, such as but not limited to, particles of garbage with particles which are greater than one-half (1/2) inch in size;

(8) any guts, tissues, paunch manure, bones, hairy hides, fleshings, entrails, whole blood, feathers, ashes, cinders, mudstraw, shavings, glass or glass grindings, polishing wastes, grass or grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gasoline, tar, asphalt residues from refining, or processing of lubricating oil, mud or concrete washout;



1           (9) any radioactive wastes or isotopes of such half-life  
2 or concentration exceeding limits established by the Florida  
3 Department of Health and Rehabilitative Services as set forth in  
4 the Florida Administrative Code which may cause damage or create  
5 hazardous conditions to human life, animal life, or equipment or  
6 operating personnel of PBCWUD;

7           (10) any liquids, solids or gases which by reason of  
8 their nature or quantity are, or may be, sufficient either alone or  
9 in combination with other substances, to cause fire or explosion or  
10 be injurious in any other way to the PBCWUDWWS or the operation of  
11 the PBCWUDWWS. These pollutants shall include, but not be limited  
12 to, wastestreams with a closed cup flashpoint of less than one-  
13 hundred and forty (140) degrees Fahrenheit (60 degrees Celsius),  
14 using the test methods specified in American Standard Testing  
15 Material Standards D-93-79, D-3278-78. This prohibition does not  
16 apply to any aqueous solution containing less than twenty-four  
17 percent (24%) alcohol by volume which would otherwise be a  
18 hazardous waste under 40 CFR 261.21 by virtue of having a closed  
19 cup flashpoint of less than one-hundred and forty (140) degrees  
20 Fahrenheit (60 degrees Celsius). Said prohibited materials shall  
21 include but not be limited to, gasoline, kerosene, naphtha,  
22 benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides,  
23 chlorate, perchlorates, bromates, carbonates, hydrides, and  
24 sulfides, fuel oil, or any flammable gas, liquid or solid, or any  
25 other substance which Palm Beach County, the State of Florida, or  
26 any Federal agency has determined is a fire hazard or a hazard to  
27 the wastewater collection and treatment system. Any and all  
28 trucked or hauled pollutants are prohibited except at discharge  
29 points designated by the Director and in accordance with the  
30 provisions set forth in the State of Florida Department of Health  
31 and Rehabilitative Services Chapter 10D-6, Florida Administrative  
32 Code;

33           (11) any noxious, malodorous gas, or substance which,  
34 either singly or by interaction with other wastewaters creates a  
35 public nuisance or increases the hazard of entry into a sewer for



1 maintenance and/or repair, or causes PBCWUD to violate any Federal  
2 or State permits;

3 (12) any water or wastewater containing toxic pollutants  
4 in sufficient quantity, singly or by interaction with other  
5 pollutants which will cause harmful effects to humans, animals or  
6 the surrounding environment or PBCWUD personnel or equipment.  
7 Toxic pollutants shall include, but not be limited to, any  
8 pollutant identified pursuant to 40 CFR Part 116, (4);

9 (13) any concrete washout, inert suspended solids (such  
10 as but not limited to Fullers earth, lime slurries, and lime  
11 residues) or dissolved solids (such as but not limited to, sodium  
12 chloride and sodium sulfate, washout from concrete production) in  
13 such concentrations as to pass-through or interfere with equipment  
14 or operations of PBCWUDWWS;

15 (14) any excessively discolored wastewater, such as but  
16 not limited to dye, printing wastes, food coloring or vegetable  
17 tanning solutions;

18 (15) any increase in the use of process water or any  
19 attempt to dilute a discharge as a partial or complete substitute  
20 for adequate treatment to achieve compliance with the limitations  
21 contained in the national pretreatment standards, or any other  
22 pollutant-specific limitation developed by PBCWUD in accordance  
23 with Paragraph (c) hereinbelow;

24 (16) any wastewater with BOD, COD or chlorine in such  
25 concentrations and/or flows that would create or constitute a  
26 significant load or shock to the PBCWUDWWS;

27 (17) any medical wastes as defined in Section 8 of this  
28 Ordinance, or addressed in the State of Florida Department of  
29 Health and Rehabilitative Services, Chapter 10D-104, Florida  
30 Administrative Code (F.A.C.), Section 10D 104.001 Bio-Hazardous  
31 Wastes;

32 (18) any toxic or poisonous substances, chemical  
33 elements or compounds, taste or odor-producing substances or any  
34 other substances which are not amenable to treatment or reduction  
35 by the wastewater treatment process utilized by the PBCWUD. Nor



shall the discharge be to such a degree that the substances interfere with the biological processes or efficiency of the PBCWUDWWS, or pass-through the PBCWUDWWS and cause the effluent therefrom, or any other product from the PBCWUDWWS, to fail to meet applicable federal or state standards;

(19) any stormwater, surface-water, groundwater, roof runoff, subsurface drainage, or swimming pool discharge;

(20) any volume of flow or concentration of wastewater which constitutes a slug load;

(21) any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

(b) Compliance with State and Federal Standards. It shall be unlawful for any person to discharge any pollutant into the PBCWUDWWS except when such discharge is in compliance with state and federal standards promulgated pursuant to the Act, and any other applicable state.

(c) Local discharge standards. Any wastewaters containing concentrations which exceed the following local discharge standards are prohibited:

| <u>PARAMETER</u>             | <u>MAXIMUM ALLOWABLE CONCENTRATION<br/>WITHIN A 24-HOUR PERIOD (mg/L)</u> |
|------------------------------|---------------------------------------------------------------------------|
| Arsenic, As                  | 0.26                                                                      |
| BOD                          |                                                                           |
| 5                            | 400.0                                                                     |
| Cadmium, Cd                  | 0.25                                                                      |
| Chromium, Total, Cr(T)       | 5.0                                                                       |
| Copper, Cu                   | 2.0                                                                       |
| Cyanide, Cn                  | 1.0                                                                       |
| Hydrogen Sulfide             | 5.0                                                                       |
| Lead, Pb                     | 0.8                                                                       |
| Mercury, Hg                  | 0.1                                                                       |
| Molybdenum, Mo               | 0.12                                                                      |
| Nickel, Ni                   | 1.0                                                                       |
| Oil and Grease               | 100.0                                                                     |
| Total Petroleum Hydrocarbons | 15.0                                                                      |
| pH (Standard Units)          | 5.5-9.5                                                                   |
| Phenols                      | 5.0                                                                       |
| Selenium, Se                 | 0.2                                                                       |
| Silver, Ag                   | 1.5                                                                       |
| TSS                          | 400.0                                                                     |
| Temperature (Max.) Degrees   | 150.(F.)                                                                  |
| Zinc, Zn                     | 2.0                                                                       |

Additional parameters for Significant Industrial User's shall



1 be developed on a case by case basis and this Ordinance shall be  
2 amended from time to time to provide for the addition of said  
3 parameters.

4 **Section 13. Industrial Pretreatment and Monitoring**

5 (a) Application. All prospective Industrial Users shall  
6 apply for Authorization to Discharge industrial wastewater into the  
7 PBCWUDWWS. All such applications for connection shall include and  
8 be supplemented with a complete set of plumbing diagrams showing  
9 all lines and clearly illustrating the sampling point; information  
10 describing the type of industrial activity in which the applicant  
11 is engaged; specification of the constituents inherent in the  
12 processes and wastes; and, identification of the characteristics of  
13 the wastewater.

14 (b) Pretreatment requirements. Should the Director require  
15 pretreatment of industrial wastewater by the Industrial or  
16 Significant Industrial User prior to discharge into the PBCWUDWWS,  
17 the plans, specifications, and other pertinent data or information  
18 relating to such wastewater pretreatment facilities shall be  
19 prepared by a registered professional engineer and subject to the  
20 review and approval of the Director. Approval shall in no way  
21 exempt the discharge of such facilities from compliance with any  
22 applicable federal, state or local laws, rules and/or regulations.  
23 Any subsequent alteration or addition to such pretreatment or flow-  
24 control facilities shall be made only upon prior written notice to  
25 and approval from the Director.

26 Where preliminary treatment is required, such facilities shall  
27 be constructed and effectively operated and maintained by the  
28 Industrial User at his sole expense, subject to requirements of  
29 this Ordinance.

30 (c) PBCWUDWWS control of discharge. If any wastes or  
31 wastewaters are discharged, or are proposed to be discharged, into  
32 the PBCWUDWWS which do not meet applicable pretreatment standards  
33 and requirements, or which may have a deleterious effect upon the  
34 PBCWUDWWS, its processes, equipment, personnel, or receiving  
35 waters, or which otherwise create a hazard to public health, safety



1 and welfare, or which constitutes a public nuisance, the Director  
2 may:

3 (1) reject the wastewaters or impose specific  
4 condition(s) upon the introduction of new sources of wastewater  
5 into the PBCWUDWWS;

6 (2) require the Industrial User to demonstrate that in-  
7 plant improvements will modify the discharge to such a degree as to  
8 be acceptable;

9 (3) require pretreatment of the Industrial User's  
10 discharge to ensure compliance with this Ordinance; and/or

11 (4) require payment of an Industrial Waste Surcharge to  
12 cover the added cost of handling and treating excess loads imposed  
13 on the PBCWUDWWS by such discharge. Industrial waste surcharges may  
14 be imposed upon conventional pollutants only. Said surcharges  
15 shall be approved by the Board of County Commissioners of Palm  
16 Beach County, Florida in accordance with the schedule of rates and  
17 fees as set forth in the PBCWUD UPAP, as amended from time to time.  
18 Imposition of Industrial Waste Surcharges for the recovery of  
19 treatment costs does not replace or supersede the requirements for  
20 pretreatment facilities, should they be found necessary by the  
21 Director.

22 (5) Issue a Notice of Violation(s) in accordance with  
23 Section 18 hereinbelow.

24 (d) Industrial Wastewater Discharge Permit. All prospective  
25 Significant Industrial Users shall apply for an Industrial  
26 Wastewater Discharge Permit prior to discharge into the PBCWUDWWS.  
27 The permit shall contain at a minimum, the following conditions:

- 28 (1) Statement of duration;  
29 (2) Statement of nontransferability;  
30 (3) Applicable pretreatment standards;  
31 (4) Self-monitoring, sampling, reporting, notification,  
32 and record keeping requirements; and  
33 (5) Statement of applicable civil and criminal  
34 penalties.

35 The cost of said permit shall be incurred by the Significant



1 Industrial User and shall be in accordance with the fee schedule as  
2 set forth in the PBCWUD UPAP, as amended from time to time. The  
3 duration of the permit shall not exceed two (2) years and upon  
4 expiration of same, a renewal permit may be issued which shall be  
5 effective for an additional two (2) years provided that the  
6 conditions of the existing permit have not changed and the  
7 appropriate renewal fees have been paid. The permit shall be  
8 displayed by the Significant Industrial User in such a location at  
9 the permitted facility so as to be seen and read by the general  
10 public.

11 All Significant Industrial Users discharging wastewater into  
12 the PBCWUDWWS prior to the effective date of this Ordinance are  
13 hereby granted temporary authority to continue to discharge in  
14 compliance with the existing codes, regulations, and policies of  
15 the PBCWUD. This temporary authority shall expire ninety (90) days  
16 after the date of notification to the Significant Industrial User  
17 by registered mail of the requirement for an application to be made  
18 for an Industrial Wastewater Discharge Permit. If, prior to the  
19 expiration date, the Significant Industrial User has filed for an  
20 Industrial Wastewater Discharge Permit pursuant to this section,  
21 temporary authority shall expire on the date the Industrial  
22 Wastewater Discharge Permit is issued or denied.

23 The Industrial Wastewater Discharge Permit shall be applicable  
24 only to the Significant Industrial User, facility and address which  
25 is specified on the permit. Said permit shall not be assigned,  
26 transferred, sold, moved to a different premises or, automatically  
27 cover any new operations at the specified facility without the  
28 prior written approval of the Director. Any succeeding or new  
29 Significant Industrial User shall notify the Director in writing  
30 within thirty (30) days of any change of ownership or change of  
31 operations of the specified facility.

32 No Significant Industrial User shall discharge industrial  
33 wastewater in excess of the quantity, rate of discharge, or quality  
34 as specifically set forth in the Permit. Any Significant  
35 Industrial User desiring to modify his discharge shall apply for an



1 amended Permit. Issuance of an Industrial Wastewater Discharge  
2 Permit shall not relieve the Significant Industrial User from  
3 complying with all applicable laws, rules, and regulations  
4 promulgated by federal, state and other local government  
5 authorities, nor shall the issuance of said permit be construed as  
6 a representation by the PBCWUD that the discharge permitted therein  
7 complies with all such laws, regulations, and ordinances. Permits  
8 are issued solely to govern the discharge of industrial wastewater  
9 into the PBCWUDWWS as between the Significant Industrial User and  
10 the PBCWUD, and shall not be construed to benefit any third party.

11 (e) Compliance. Compliance shall include:

12 (1) Self-monitoring requirements. All Significant  
13 Industrial Users of the PBCWUDWWS who are required to perform self-  
14 monitoring functions shall submit self-monitoring reports to the  
15 Director identifying the constituents and describing the  
16 characteristics of the industrial wastewater being discharged into  
17 the PBCWUDWWS. The content and frequency of the reports shall be  
18 specified in the Industrial Wastewater Discharge Permit; however,  
19 the frequency of said reporting shall be no less than twice per  
20 year. In order to ensure the integrity of the self-monitoring  
21 reports, the Significant Industrial Users of the PBCWUDWWS shall:

22 (a) Maintain records concerning volume,  
23 constituents, and characteristics of the industrial wastewater  
24 discharge. All such records and equipment used to determine and  
25 record volume, constituents and characteristics of industrial  
26 wastewater discharges shall be made available for review,  
27 inspection and photocopying by the Director and by authorized  
28 representatives of the DEP and EPA. All such records shall be  
29 retained by the Significant Industrial User for a minimum of three  
30 (3) years;

31 (b) Install, use, and maintain monitoring and  
32 sampling equipment which has been approved by the Director, for  
33 determining volume, constituents, and characteristics of the  
34 industrial waste discharge;

35 (c) Conduct and report all monitoring and analysis



1 in accordance with DEP requirements pursuant to Rule 62-625.600(6),  
2 F.A.C.;

3 (d) Not knowingly falsify, tamper with, alter,  
4 render inaccurate, or make false statements, representations, or  
5 certifications of information provided to and/or required by the  
6 Director; and,

7 (e) Report to the Director within the permitted  
8 period any significant change in the characteristics, nature, or  
9 volume of the discharge into the PBCWUDWWS.

10 (2) 24 - Hour Reporting of Violations. If sampling  
11 performed by an industrial user indicates a violation, the  
12 industrial user shall notify the Director within 24 hours of  
13 becoming aware of the violation. The industrial user shall also  
14 repeat the sampling and analysis and submit the results of the  
15 repeat analysis within 30 days after becoming aware of the  
16 violation; however, the industrial user is not required to resample  
17 if:

18 (a) PBCWUD performs sampling of the industrial user  
19 at a frequency of at least once per month, or

20 (b) PBCWUD performs sampling of the industrial user  
21 between the time when the industrial user performs its initial  
22 sampling and the time when the industrial user receives the results  
23 of the sampling.

24 (3) Baseline Monitoring Report ("BMR"). Significant  
25 Industrial Users subject to Categorical Pretreatment Standards must  
26 also comply with the requirements for submittal of a BMR in  
27 accordance with Rule 62-625.600, F.A.C. In addition, within ninety  
28 (90) days of final compliance with applicable Pretreatment  
29 Standards or, in the case of a New Source, within ninety (90) days  
30 of discharging wastewater into the PBCWUDWWS, any Significant  
31 Industrial User, subject to the Categorical Pretreatment Standards  
32 shall submit to the Director a report indicating the concentration  
33 of pollutants in the discharge along with the average and maximum  
34 daily flow for those processes. These reports shall comply with  
35 Rule 62-625.600(3), F.A.C.



1                   (4) Compliance schedule. Should additional pretreatment  
2 or other measures (e.g. installation of technology) be required to  
3 meet the pretreatment standards, a compliance schedule shall be  
4 provided by the Significant Industrial User depicting the time  
5 frames and most effective means by which to comply with said  
6 pretreatment standards. In no case shall the completion date as set  
7 forth in the compliance schedule be later than the compliance date  
8 required for meeting the Categorical Pretreatment Standards. The  
9 Significant Industrial User shall submit to the Director written  
10 periodic reports as to the progress of meeting the time frames as  
11 specified in the compliance schedule.

12                   (5) Accepted methods. All measurements, tests, and  
13 analyses of the characteristics of wastewater to which reference is  
14 made in this Ordinance shall be determined in accordance with the  
15 rules and regulations of the Florida Administrative Code and shall  
16 be carried out in accordance with methods specified in Rule 62-  
17 160.670, F.A.C.

18                   (6) Sampling points, frequency and specifications. All  
19 Significant Industrial Users discharging industrial wastewater into  
20 the PBCWUDWWS shall provide and maintain a suitable point or points  
21 of access together with such necessary meters and other  
22 appurtenances at an appropriate location to permit observation,  
23 flow measurement, and sampling of such waste. Plans for such  
24 sampling points and measuring equipment shall be subject to  
25 approval by the Director prior to construction and installation of  
26 the facility. Sampling and flow measuring facilities shall be  
27 located in such a manner as to provide safe, unrestricted access  
28 for inspection and verification of the Significant Industrial  
29 User's operating conditions, and enable collection of samples that  
30 are representative of said User's typical discharge. All such  
31 facilities shall be located and maintained so as to be accessible  
32 to the Director at all times during the day and night, including  
33 weekends and holidays, without prior notice. The Director may  
34 require, at his discretion, a lockable facility or facilities to  
35 protect the PBCWUD property against theft, vandalism, and



1       tampering. If such facility or facilities are required, the  
2       Significant Industrial User shall supply the Director with a key to  
3       such facility or facilities. At no time shall the Significant  
4       Industrial User alter, relocate, interrupt, intervene, mix in, bar,  
5       block, obstruct or impede any monitoring equipment that has been  
6       set up at a designated sampling point by the Director.

7       The frequency and submission of samples shall be stipulated in  
8       the Industrial Wastewater Discharge Permit. However, it shall be  
9       at the discretion of the Director as to whether or not additional  
10      samples will be required. The frequency of the sampling shall be  
11      based upon, but not limited to, the following:

- 12               (a) nature and flow rate of the discharge;
- 13               (b) history of use by the User; and
- 14               (c) impact on receiving waters, deep well  
15      injection, sludge or water recovery, and reuse guidelines.

16      Specifications for the monitoring programs may be modified by  
17      PBCWUD at any time during the permit program, and other conditions  
18      may be added as deemed appropriate by PBCWUD to insure compliance  
19      with this Ordinance.

20               (7) Other reporting. Industrial Users who may not be  
21      required to obtain an Industrial Wastewater Discharge Permit, may  
22      be required to provide appropriate reports to the Director. Said  
23      reports may include, but not be limited to, self monitoring and  
24      base line monitoring reports. These reports shall be based upon  
25      whether the wastestream of the Industrial User may contain priority  
26      pollutants.

27               (f) Certification. All reports and other submittals required  
28      pursuant to this Ordinance or as required by a specific Significant  
29      Industrial User permit shall be signed by the authorized  
30      representative of the Industrial User or Significant Industrial  
31      User and shall include the following certification:

32               "I certify under penalty of law that this document and all  
33      attachments were prepared under my direction or supervision in  
34      accordance with a system designed to assure that qualified  
35      personnel properly gather and evaluate the information submitted.



1 Based upon my inquiry of the person(s) who manage the system, or  
2 those person(s) directly responsible for gathering the information,  
3 the information submitted is, to the best of my knowledge and  
4 belief, true, accurate, and complete. I am aware that there are  
5 significant penalties for submitting false information including  
6 the possibility of fine and imprisonment for knowing violations."

7 **Section 14. Accidental Discharge, Upset and Bypass.**

8 (a) Protection plan required. Each and every Significant  
9 Industrial User shall be required to establish and submit to the  
10 Director for approval in writing a protection plan for accidental  
11 discharge. Said plan for accidental discharge shall be developed  
12 and implemented in accordance with the provisions as set forth in  
13 the PBCWUD UPAP, as amended from time to time.

14 (b) Notification of accidental discharge, upset or bypass.  
15 The Significant Industrial User shall notify the Director of each  
16 and every accidental discharge, upset or bypass into the PBCWUDWWS  
17 in accordance with the provisions set forth in the PBCWUD UPAP, as  
18 amended from time to time. Said notification of accidental  
19 discharge, upset or bypass shall not relieve the Significant  
20 Industrial User of any expense, loss, damage, or other liability  
21 which may be incurred by said discharge and may include, but not be  
22 limited to, damage to PBCWUD facilities, property or receiving  
23 waters. Enforcement action, including but not limited to fines or  
24 civil penalties, may be imposed in accordance with this Ordinance.  
25 The Significant Industrial User shall limit the production process  
26 until corrective measures have been taken to prevent additional  
27 discharge.

28 **Section 15. Notification of Discharge of Hazardous Wastes**

29 a) Each and every Significant Industrial User shall notify  
30 the Director, the State of Florida's Hazardous Waste authority and  
31 DEP in writing of any discharge into the PBCWUDWWS of any substance  
32 which if otherwise disposed of, would be hazardous under Chapter  
33 62-730, F.A.C. Such notification shall be made in accordance with  
34 Rule 62-600(15), F.A.C. and must include the name of the hazardous  
35 waste, the EPA hazardous waste number and the type of discharge



1 (continuous, batch or other). In addition, such notification shall  
2 identify the hazardous constituents contained in the listed waste  
3 and estimate the volume of hazardous waste expected to be  
4 discharged during the following twelve months. This requirement  
5 shall not apply to pollutants already reported under the self-  
6 monitoring requirements as set forth in this Ordinance and pursuant  
7 to the PBCWUD UPAP, as amended from time to time.

8 b) In the case of any notification made under this section,  
9 the Significant Industrial User shall certify that it has a program  
10 in place to reduce the volume and toxicity of wastewaters generated  
11 to the degree it has determined to be economically practicable, and  
12 that it has selected the method of treatment, storage, and/or  
13 disposal currently available which minimizes the present and future  
14 threat to public health, safety and welfare and to the  
15 environment.

#### 16 **Section 16. Greasetraps, Interceptors, and Oil/Water Separators**

17 Grease traps, interceptors, and/or oil/water separators  
18 ("Interceptors") shall be required in establishments such as, but  
19 not limited to, food service establishments,  
20 transportation/equipment cleaning establishments, service stations,  
21 repair shops, or other commercial or industrial establishments or  
22 facilities where wastes containing grease, oil, any flammable  
23 material, sand, or other harmful constituent can be discharged into  
24 the PBCWUDWWS. An engineer acting on behalf of the User shall  
25 determine the type, capacity and location of the Interceptor which  
26 shall be subject to and require final written approval from the  
27 Director. Interceptors shall not be required for property  
28 designated as single or multi family residences.

29 Each and every required Interceptor shall be constructed,  
30 installed and connected, utilized, maintained and abandoned in  
31 accordance with the requirements and procedures as set forth in the  
32 PBCWUD UPAP, as amended from time to time.

#### 33 **Section 17. Septage and Holding Tank Wastes**

34 No person shall discharge septage or holding tank wastes into  
35 the PBCWUDWWS without prior approval by the PBCWUD in accordance



1 with the procedures as set forth in the PBCWUD UPAP, as amended  
2 from time to time.

3 **Section 18. Industrial Pretreatment Inspection; Power and**  
4 **Authority**

5 The Director and authorized representatives of the DEP and  
6 the EPA bearing proper credentials, are empowered to enter upon  
7 property from which industrial wastewater is being discharged into  
8 the PBCWUDWWS for the purposes of inspection, monitoring, sampling,  
9 copying of records, or investigation thereof. If the Director is  
10 denied entry for the purpose of authorized monitoring or  
11 inspection, a probable cause inspection warrant may be obtained  
12 through the Palm Beach County Judicial System in accordance with  
13 Chapter 933, Florida Statutes.

14 **Section 19. Enforcement Action**

15 The Director shall ensure enforcement of this Ordinance and of  
16 the PBCWUD UPAP, as amended from time to time, and coordinate the  
17 enforcement action with other governmental entities where  
18 appropriate. An Enforcement Response Plan as detailed in the  
19 PBCWUD UPAP, as amended from time to time, shall be used by PBCWUD  
20 to determine appropriate and uniform measures of enforcement action  
21 against any and all Users who are in non-compliance with this  
22 Ordinance. The PBCWUD UPAP, as amended from time to time, shall  
23 set forth requirements applicable to the User which shall include  
24 but not be limited to self-monitoring, resampling and PBCWUD  
25 monitoring.

26 (a) Immediate threat to public health. The Director may  
27 issue an Emergency Order requiring the User to immediately halt a  
28 discharge if the discharge is deemed to present or cause an  
29 immediate threat or substantial endangerment to the health, safety  
30 or welfare of the public, to the environment, or to the operations  
31 of the PBCWUDWWS. Any such finding shall be included in the  
32 Director's notification to halt discharge, and in such event, the  
33 revocation of the applicable Authorization to Discharge or  
34 Industrial Wastewater Discharge Permit shall become effective  
35 immediately. Should the User not comply with the Emergency Order,



1 the PBCWUD may immediately halt the discharge. All expenses  
2 incurred by PBCWUD to halt the discharge and/or any and all damages  
3 associated with the discharge shall be borne by the User. An  
4 Emergency Order shall remain in effect until rescinded in writing  
5 by the Director.

6 (b) Other violations. Notwithstanding the provisions as set  
7 forth in Paragraph (a) hereinabove, violations that may result in  
8 enforcement action pursuant to this Ordinance may include but are  
9 not limited to the following:

10 1. Any violation of a provision of this Ordinance or of  
11 any applicable provision of the PBCWUD UPAP, as amended from time  
12 to time.

13 2. Any violation of a condition of the User's Industrial  
14 Wastewater Discharge Permit, Authorization to Discharge, compliance  
15 schedule, and/or effluent limit.

16 3. Failure to report and/or truthfully report the  
17 constituents and/or characteristics of wastewater discharge,  
18 significant changes in processing, and/or self-monitoring reports.

19 4. Refusing PBCWUD duly authorized representatives  
20 reasonable access to the User's premises in order for PBCWUD to  
21 perform inspections, monitoring, sampling, copying of records, or  
22 investigations.

23 Notification to Users that a violation(s) has occurred shall  
24 be in accordance with procedures as set forth in this Ordinance and  
25 as detailed in PBCWUD UPAP, as amended from time to time.

26 (c) Notice of Violation. Notwithstanding the provisions as  
27 set forth in Paragraph (a) hereinabove, the PBCWUD shall, upon  
28 discovery of a violation of this Ordinance, notify the User by  
29 certified mail of said violation. The notice of violation shall  
30 set forth the specific violation, the corrective action to be taken  
31 by the User, and the period of time by which the User must correct  
32 the violation. The PBCWUD shall refer the matter to the Palm Beach  
33 County Environmental Control Office if the violation continues  
34 beyond the specified time for correction; if an activity was



1 conducted without a required permit or approval; if the violation  
2 created a health threat; or, if a fine is to be assessed against  
3 the User. In the event the matter is referred, the Palm Beach  
4 County Environmental Control Officer shall request the Palm Beach  
5 County Environmental Control Hearing Board ("Environmental Control  
6 Hearing Board") to issue a Show Cause Order to the User. Said Show  
7 Cause Order shall be sent by certified mail and shall include the  
8 time, place and nature of the hearing to be held before the  
9 Environmental Control Hearing Board. The hearing shall be  
10 conducted in accordance with the procedures of the Environmental  
11 Control Hearing Board as set forth in Chapter 77-616, Special Acts,  
12 Laws of Florida, as amended, and Palm Beach County Ordinance 78-5,  
13 as amended. The decision of the Environmental Control Hearing  
14 Board shall be final.

15 Upon determination that the User has caused a violation of  
16 this Ordinance, the Environmental Control Hearing Board may levy a  
17 fine of up to Five Hundred Dollars (\$500.00) per violation per day.  
18 Said fine may include costs relating to the violation specified in  
19 the Show Cause Order that were incurred by the PBCWUD including,  
20 but not be limited to, expenses for sampling, monitoring,  
21 inspections and corrective action. Issuance of a fine by the  
22 Environmental Control Hearing Board shall not be a prerequisite for  
23 taking any other action against the User and shall not release the  
24 User from liability for any violation, including any continuing  
25 violation.

26 In addition to and independent of levying a fine against the  
27 User, the Environmental Control Hearing Board may:

28 (1) Suspend the User's Authorization to Discharge or  
29 Industrial Wastewater Discharge Permit. The Environmental Control  
30 Hearing Board may suspend the User's Authorization to Discharge or  
31 the Industrial Wastewater Discharge Permit, and, upon doing so  
32 shall establish a time certain for the period of suspension. Prior  
33 to the end of such time certain, the User shall correct the  
34 violation for which the suspension was imposed; otherwise, the  
35 suspended Authorization to Discharge or the suspended Industrial



1 Wastewater Discharge Permit shall be automatically revoked.

2 (2) Revoke the User's Authorization to Discharge or  
3 Industrial Wastewater Discharge Permit. The Environmental Control  
4 Hearing Board may revoke the User's Authorization to Discharge or  
5 the Industrial Wastewater Discharge Permit and, upon doing so, the  
6 User shall not be eligible to reapply for a new Authorization to  
7 Discharge or Industrial Wastewater Discharge Permit until the  
8 violation as specified in the notice of violation has been  
9 corrected. Upon application for a new Industrial Wastewater  
10 Discharge Permit, the User shall be required to remit the full  
11 permit fee to the PBCWUD.

12 **Section 20. Judicial Enforcement**

13 Should any person discharge wastewater, industrial wastewater,  
14 medical waste, holding tank waste, domestic waste, or other waste  
15 into the PBCWUDWWS contrary to any provision of this Ordinance, or  
16 any order, authorization or permit issued hereunder, the County may  
17 commence an action for appropriate legal and/or equitable relief in  
18 the Circuit Court for Palm Beach County. It is the purpose of this  
19 Ordinance to provide additional cumulative remedies.

20 (a) Injunctive relief. Whenever a person has violated or  
21 continues to violate any provision of this Ordinance, or any order,  
22 authorization or permit issued hereunder, the County may petition  
23 the Circuit Court for Palm Beach County to issue a temporary or  
24 permanent injunction or both, as may be appropriate, which  
25 restrains or compels the specific performance of the permit, order  
26 or other requirement imposed by this Ordinance. Such other actions  
27 which are appropriate for legal and/or equitable relief may also be  
28 sought by the County. A petition for injunctive relief need not be  
29 filed as a prerequisite to taking any other action against a person  
30 by PBCWUD.

31 (b) Penalties. Failure to comply with the provisions as set  
32 forth in this Ordinance, or any order, authorization or permit  
33 issued hereunder shall constitute a violation of a County Ordinance  
34 and shall be punished, upon conviction, pursuant to Section  
35 125.69(1), Florida Statutes, by a fine not to exceed Two Thousand



1 Dollars (\$2,000.00) per violation per day for as long as the  
2 violation continues, or imprisonment not exceeding sixty (60) days,  
3 or both such fine or imprisonment. In addition, the PBCWUD may  
4 recover reasonable attorney's fees, court costs, and other expenses  
5 associated with enforcement activities, including inspection,  
6 sampling and monitoring expenses and the cost of any actual damages  
7 incurred by the County. The County shall petition the court to  
8 impose, assess, and recover such sums. Such other actions which  
9 are appropriate for legal and/or equitable relief may also be  
10 sought by the County. Filing a suit for civil penalties shall not  
11 be a prerequisite for taking any other action against said User by  
12 PBCWUD.

13 **Section 21. Appropriation and Budgeting of Funds.**

14 The establishment of a comprehensive pretreatment program and  
15 the regulation of usage of the PBCWUDWWS is declared to be for a  
16 county purpose, and the Board of County Commissioners of Palm Beach  
17 County is authorized to appropriate funds to carry out the purposes  
18 of this Ordinance. Notwithstanding the administrative cost as set  
19 forth in Section 19 hereinabove, all funds received by the County  
20 pursuant to this Ordinance shall be deposited in the PBCWUD fund to  
21 be used for the purposes associated with this Ordinance or other  
22 purposes associated with the operation and maintenance of the  
23 PBCWUD.

24 **Section 22. Publication of Significant Violators**

25 The PBCWUD shall annually publish in the largest daily  
26 newspaper circulated in the area where the wastewater system is  
27 located, a list of the Users which, during the previous twelve(12)  
28 months, were in significant non-compliance with applicable  
29 standards and requirements as defined in this Ordinance.

30 **Section 23. Confidentiality**

31 Information and data concerning individual Users obtained from  
32 reports, questionnaires, permit applications, permits, monitoring  
33 programs, inspections and sampling activities shall be available to  
34 the public or other governmental agency without restriction unless  
35 the User specifically requests and is able to demonstrate to the



1 satisfaction of the County that the release of such information  
2 would divulge information, processes or methods of production  
3 entitled to protection as trade secrets of the User in accordance  
4 with Section 403.11, Florida Statutes. Any such request must be  
5 asserted at the time of submission of the information or data.  
6 When properly requested and demonstrated by the User, the portions  
7 of information received from the User which might disclose trade  
8 secrets or secret processes shall not be made available for  
9 inspection by the public but shall be made available upon request  
10 to governmental agencies for uses related to this Ordinance, the  
11 NPDES Permit, and the DEP Disposal System Permit and/or  
12 Pretreatment Programs; however, such portions of information  
13 received shall be available for use in judicial review or  
14 enforcement proceedings involving the User. Wastewater  
15 constituents and characteristics and other effluent data shall not  
16 be recognized as confidential information and shall be available to  
17 the public without restriction. Information accepted by the County  
18 as confidential shall not be transmitted to any governmental agency  
19 without notification to the User at least ten (10) days prior to  
20 transmittal of said information.

#### 21 **Section 24. Savings Clause**

22 This Ordinance shall not affect or impair the processing  
23 and/or implementation of any permit issued pursuant to the  
24 provisions of Ordinance 78-10. All permits issued pursuant to  
25 Ordinance 78-10, and the enforcement thereof, shall continue in  
26 full force and effect. Upon expiration of an existing permit  
27 issued pursuant to Ordinance 78-10, the User shall apply for a new  
28 permit in accordance with the provisions as set forth herein.

#### 29 **Section 25. Repeal of Ordinances in Conflict**

30 All local laws and ordinances in conflict with any provision  
31 of this Ordinance are hereby repealed to the extent of the  
32 conflict.

#### 33 **Section 26. Severability**

34 If any provision, article, paragraph, sentence, clause, phrase  
35 or word of this Ordinance is for any reason held by the court to be



1 unconstitutional, inoperative or void, such holding shall not  
2 affect the remainder of this Ordinance.

3 **Section 27. Inclusion in the Code of Laws and Ordinances**

4 The provisions of this Ordinance shall become and be made a  
5 part of the Code of Laws and Ordinances of Palm Beach County,  
6 Florida. The articles and sections of this Ordinance may be  
7 renumbered or relettered to accomplish such, and the word  
8 "Ordinance" may be changed to "Section" "Article" or any other  
9 appropriate word.

10 **Section 28. Effective Date**

11 The provisions of this Ordinance shall become effective upon  
12 filing with the Secretary of State.

13 APPROVED AND ADOPTED by the Board of County Commissioners of  
14 Palm Beach County, Florida, on the \_\_\_\_\_ day of JAN 23 1996, 1995.

15 ATTEST: PALM BEACH COUNTY, FLORIDA, BY ITS  
16 DOROTHY H. WILKEN, CLERK BOARD OF COUNTY COMMISSIONERS

17 By: Sarah Wright  
18 Deputy Clerk

By: Ken Foster  
Chair

19 APPROVED AS TO FORM  
20 AND LEGAL SUFFICIENCY

21 By: Kathleen M. Scarlett  
22 County Attorney

23 **EFFECTIVE DATE:** Filed with the Department of State on the  
24 1st day of February, 1996 at \_\_\_\_\_ M.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on 1/23/96  
DATED at West Palm Beach, FL on 2/22/96  
DOROTHY H. WILKEN, Clerk  
By: Phyllis A. House D.C.